

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Christopher Hoffman,

Case No. 5:14-cv-01367

Petitioner

v.

ORDER

Alan Lazaroff,

Respondent

Before me is the Report and Recommendation of Magistrate Judge George J. Limbert, filed on August 3, 2015, recommending I deny Petitioner Christopher Hoffman's motion for a stay and abeyance as to the fourth ground for relief presented in his habeas corpus petition and grant Hoffman's alternate request to sever and dismiss the fourth ground for relief to permit Hoffman to proceed with the other, exhausted grounds for relief. (Doc .No. 10). Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Campbell*, 261 F.3d 628 (6th Cir. 2001). In this case, the fourteen day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981) ; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th

Cir. 1987) (“only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review”).

Following review of the Magistrate Judge’s Report and Recommendation, the Court adopts the Report and Recommendation in its entirety as the Order of the Court. Hoffman’s motion for a stay and abeyance as to his fourth ground for relief, (Doc. No. 6), is denied. Hoffman’s fourth ground for relief is dismissed without prejudice. Magistrate Judge Limbert may proceed with his report and recommendation as to the remaining grounds for relief set forth in Hoffman’s habeas corpus petition.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge